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6 Attorney for LaVander Yahtin

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 LAVANDER YAHTIN,

13 Defendant(s).
14

) Case No. 1:21-CR-2003-MKD

) MOTION TO REOPEN DETENTION

) 2:00 P.M. February 2, 2022
15

16 **MOTION**

17 COMES NOW the defendant, LaVander Yahtin, through his attorney, Ulvar
18 Klein, and moves this court for an order reopening detention, and upon hearing for an
19 order releasing him during the pendency of sentencing. A hearing date of February 2,
20 2022 at 2:00 P.M. has been suggested.
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MEMORANDUM

LaVander Yahtin had pled guilty to the offense of discharging a firearm during the commission of a violent felony offense. The mandatory minimum of this crime is 10 years in prison. Knowing this LaVander Yahtin still voluntarily turned himself into jail after entering his plea. At the time LaVander Yahtin went into custody he left his young daughter in the care of the child's mother, as well as having his own mother nearby to assist. Tragically, the child's mother died in an accident at the intersection of Lateral A and Fort Road yesterday evening. A fatality has been confirmed by media reports as well as LaVander Yahtin's mother. While there is a presumption for incarceration pending sentencing for this offense incarceration is not required. Respectfully, the defense request release pending sentencing in order to as best as possible, cope with this tragic event. Because the defendant is in quarantine, counsel has not been able to discuss potential living arrangements with Mr. Yahtin. It is hoped that he may be allowed to return to his grandmothers residents where he had stayed prior to his plea. Defense counsel has not been able to communicate with the government regarding this request. If there is an object to this proposed scheduling the motion shall be stricken and rescheduled.

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Respectfully submitted February 1, 2022

s/Ulvar W. Klein

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2022, I electronically filed the foregoing
with the Clerk of the Court using the CM/ECF System which will send notifications
of such filing to AUSA Matthew Stone.

s/ Marcie Rivera

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